

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JONATHAN HILL,

Plaintiff,

vs.

JOHN DOE, unknown deputy of the
Williamson County Sheriff's Department,
individually and in his official capacity as
Deputy of the Williamson County Sheriff's
Department, and the WILLIAMSON
COUNTY SHERIFF'S DEPARTMENT,

Defendants.

Case No. 06-4064-JLF

FILED
MAR 22 2006
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE

COMPLAINT

COUNT I

NOW COMES the Plaintiff, Jonathan Hill, by and through his attorneys, Patchett Law Office, and complaining of the Defendant, John Doe, Unknown Deputy of the Williamson County Sheriff's Department, individually and in his official capacity as Deputy of the Williamson County Sheriff's Office, states as follows:

1. That this is a civil action for damages to redress deprivations under color of rights, privileges and immunities secured by the Fourth and Fourteenth Amendments to the United States Constitution and Title 42 U.S.C.A. § 1983 and the law of the State of Illinois.

2. That Plaintiff invokes the jurisdiction of this Court pursuant to 28 U.S.C.A. §§ 1331 and 1343.

3. That venue is proper in this Court pursuant to 28 U.S.C.A. § 1391(b), in that the claims arose in this district as alleged below.

4. That the Plaintiff, Jonathan Hill, was at all times relevant herein a citizen of the United States, and of the State of Illinois, and was a resident of the County of Williamson and City of Herrin.

5. That the Defendant, John Doe, unknown deputy of the Williamson County Sheriff's Department, individually and in his official capacity as Deputy of the Williamson County Sheriff's Office, was at all times relevant herein a duly appointed, qualified and acting police officer employed by the County of Williamson, and was engaged in the conduct complained of in the course and scope of his employment as police officer for the County of Williamson. That said Defendant is herein sued in his official and individual capacities.

6. That at all times material herein, the County of Williamson provided Defendant police officer with official badges and credentials which designed and described him as a police officer of the County of Williamson.

7. That on or about March 22, 2004, the Plaintiff was lawfully situated at or about Illinois State Route 148 in the City of Energy, County of Williamson, and State of Illinois.

8. That the Plaintiff was in compliance with all applicable laws, statutes and ordinances of the State of Illinois and City of Marion.

9. That at the time and place aforesaid, and subsequent thereto, the Defendant police officer was then and there guilty of one or more of the following wrongful acts:

- (a) Placed the Plaintiff in police custody without probable cause or reasonable cause to believe that Plaintiff had committed any offense;

- (b) Arrested the Plaintiff without any probable cause or reasonable cause to believe that Plaintiff had committed any offense;

10. That as a direct and proximate result of the actions of the Defendant police officer, the Plaintiff was injured, deprived of his freedom, humiliated, embarrassed, shocked, suffered great and lasting mental anguish and wage loss, and was thereby injured and damaged.

11. That the Plaintiff is entitled to recovery of his costs and reasonable attorney fees incurred herein pursuant to 42 U.S.C.A. § 1988.

WHEREFORE, the Plaintiff, Jonathan Hill, prays judgment against the Defendants, John Doe, unknown deputy of the Williamson County Sheriff's Department, individually and in his official capacity as Deputy of the Williamson County Sheriff's Office, for a fair and reasonable sum, for attorney fees and costs, and for such other relief as is just and proper.

COUNT II

NOW COMES the Plaintiff, Jonathan Hill, by and through his attorneys, Patchett Law Office, and complaining of the Defendant, Williamson County Sheriff's Department, states as follows:

12. That this is a civil action for damages to redress deprivations under color of rights, privileges and immunities secured by the Fourth and Fourteenth Amendments to the United States Constitution and Title 42 U.S.C.A. § 1983 and the law of the State of Illinois.

13. That Plaintiff invokes the jurisdiction of this Court pursuant to 28 U.S.C.A. §§ 1331 and 1343.

14. That venue is proper in this Court pursuant to 28 U.S.C.A. § 1391(b), in that the claims arose in this district as alleged below.

15. That the Plaintiff, Jonathan Hill, was at all times relevant herein a citizen of the United States, and of the State of Illinois, and was a resident of the County of Williamson and City of Herrin.

16. That the Defendant, Williamson County Sheriff's Department, was at all times relevant herein organized and operating pursuant to its grant of authority under state and county codes and ordinances.

17. That at all times material herein, the County of Williamson provided Defendant police officer with official badges and credentials which designed and described him as a police officer of the County of Williamson.

18. That on or about March 22, 2006, the Plaintiff was lawfully situated at or about Illinois Route 148 in the City of Energy, County of Williamson, and State of Illinois.

19. That the Plaintiff was in compliance with all applicable laws, statutes and ordinances of the State of Illinois and City of Marion.

20. That at the time and place aforesaid, and subsequent thereto, the Defendant police officers were then and there guilty of one or more of the following wrongful acts:

- (a) Placed the Plaintiff in police custody without probable cause or reasonable cause to believe that Plaintiff had committed any offense;
- (b) Arrested the Plaintiff without any probable cause or reasonable cause to believe that Plaintiff had committed any offense;

21. That the errors or omissions of the Williamson County police officers were the result of one or more of the following wrongful acts of the Defendant, Williamson County Sheriff's Department.

- (a) Failure to provide officers with sufficient technology or tools to identify persons subject to valid arrest warrant at the scene of accident or warrant;
- (b) Failure to investigate or confirm identity of Plaintiff as the person named in the arrest warrant prior to and during confinement;
- (c) Failure to provide method or procedure to determine whether or not persons in custody and detention are those persons identified by arrest warrant.

22. That as a direct and proximate result of the actions of the Defendant, Williamson County Sheriff's Department, the Plaintiff was injured, deprived of his freedom, humiliated, embarrassed, shocked, suffered great and lasting mental anguish and wage loss, and was thereby injured and damaged.

23. That the Plaintiff is entitled to recovery of his costs and reasonable attorney fees incurred herein pursuant to 42 U.S.C.A. § 1988.

WHEREFORE, the Plaintiff, Jonathan Hill, prays judgment against the Defendants, Williamson County Sheriff's Office, for a fair and reasonable sum, for attorney fees and costs, and for such other relief as is just and proper.

Respectfully submitted,
s/ Theodore J. Hampson
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